

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NATIONAL STEEL CAR LIMITED,)	
)	
Plaintiff/Counterclaim-)	
Defendant,)	
)	
v.)	C.A. No. 24-594-JLH-CJB
)	
FREIGHTCAR AMERICA, INC.,)	
FREIGHTCAR NORTH AMERICA, LLC,)	
JAC OPERATIONS, INC., AND)	
FCA-FASEMEX, LLC,)	
)	
Defendant/Counterclaim-)	
Plaintiffs.)	

NOTICE OF IPR EVENT

Plaintiff National Steel Car Limited provides this Notice of IPR Event pursuant to the Court’s Scheduling Order. (D.I. 38 at ¶ 20.). Defendant FreightCar America, Inc. (“Defendant” or “FrieghtCar”) previously filed Petitions for *Inter Partes* Review (“IPR”) against the asserted U.S. Patent Nos. 8,132,515 and 8,166,892. Petition Nos. 2025-01047 and -01048 challenged all claims of the ’515 Patent and Petition No. 2025-01046 challenged all claims of the ’892 Patent.

IPR No. 2025-01047 (regarding the ’515 Patent) was instituted on December 16, 2025, against claims 1-44. Ex. A, IPR2025-01046, Paper 27. The Board’s reasoning for institution was based on an analysis of independent claim 24. The Board “question[ed] whether” the art cited by FreightCar teaches or suggests all the limitations of independent claims 1, 18, 20, or 32. *Id.* at 25, 28-29, 32. The Board also found that FreightCar “d[oes] not appear to show” that the art cited by FreightCar teaches or suggests all the limitations of independent claim 7. *Id.* at 28. The Board did not substantively address the other claims of the ’515 Patent (*i.e.*, claims 2-17, 19, 21-23, 25-

31, or 33-44).

IPR No. 2025-01048 (regarding the '515 Patent) was discretionarily denied by the Director of the U.S. Patent and Trademark Office on October 10, 2025. Ex. B, IPR2025-01048, Paper 20.

IPR No. 2025-01046 (regarding the '892 Patent) was instituted on December 16, 2025, against claims 2-15. Ex. C, IPR2025-01046, Paper 27. The Board's reasoning for institution was based on an analysis of claim 2 and did not substantively address the other claims of the '892 Patent (*i.e.*, claims 3-15).

Copies of the Patent Trial and Appeal Board's Scheduling Orders for IPRs 2025-01046 and -01047 are provided herewith. Exs. D and E. The next action by the Board, absent a motion to amend, is expected to occur in August 2026 and to include a pre-oral argument order setting the start time of the hearing and the procedures that will govern the parties' arguments. Oral argument is set for September 16, 2026.

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/s/ Andrew E. Russell

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